IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 19023 of 2003

Between:

1 Maddipati Prasad S/o Kondaiah
R/o Nellipudi Village, Gangavaram Mandal, East Godavari District.
2 K.Ramarao S/o Subba Rao
R/o Nellipudi Village, Gangavaram Mandal, East Godavari District.

... PETITIONERS

AND

1 The Addl.Agent to the Govt., and P.O., integrated Tribal Development

Agency, Rampachodavaram, East Godavari District.
2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram,
East Godavari District.
3 The M.R.O.,Gangavaram., East Godavari District.
4 K.Butchamma W/o Bapannadora
R/o Pedagariapadu Village, Gangavaram Mandal, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in dispossessing the petitioners from their land to an extent of Ac.41.43 cents in Sy.Nos.114,116/1, 116/2 and 117 of Nellipudi Village, Gangavaram Mandal, East Godavari District in pursuance of the urgent notice dated 25-08-2003 issued by the 3rd respondent as illegal, arbitrary, unjust and consequently direct the respondents 1 to 3 not to dispossess the petitioners from the above lands owned and possessed by them

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents 1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: MR. G. DHARMA RAO

The Court made the following order:

ORDER:

Against the order issued in L.T.R.P.No.41 of 2001 dated 11.03.2003 for ejecting the petitioners from the land in question and for restoration of the same in favour of the fourth respondent the petitioners filed an appeal before the Additional Agent to the Government and P.O, Integrated Tribal Development Agency, Rampachodavaram. As no order was passed on the said appeal the petitioners filed W.P.No.11685 of 2003 and this Court disposed of the said writ petition directing the respondents not to dispossess the petitioners from the land in question till the disposal of the appeal pending before the first respondent.

It is stated in the counter that the said order of this Court has been implemented. The Mandal Revenue Officer was not a party to the said writ petition, and therefore, he has issued the notice dated 25.08.2003 stating that the Special Deputy Collector (Tribal Welfare) in L.T.R.P.No.41 of 2001 dated 11.03.2003 directed him to take possession of the land in question. Accordingly, the petitioners are directed to hand over the possession in respect of the lands in Sy.Nos.114, 116/1, 116/2 and 117 of Gangavaram Mandal, West Godavari District, to the Government.

It is submitted that the said notice issued by the M.R.O is illegal and contrary to the directions of this Court. As long as the appeal filed by the petitioners is pending the respondents are bound to implement the orders of this Court in W.P.No.11685 of 2003.

Accordingly, the notice issued by the MRO is set aside and the respondents are directed not to interfere with the possession of the petitioners till the disposal of the appeal pending before the first respondent.

The writ petition is disposed of with the above observation. No costs.

_____

V. ESWARAIAH, J

April 21, 2005

Dsk

To

1 The Addl.Agent to the Govt., and P.O., integrated Tribal Development

Agency, Rampachodavaram, East Godavari District.

2. The Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District.

3 The M.R.O.,Gangavaram., East Godavari District.

4. Two CCs to GP for Social Welfare, High Court Buildings, Hyderabad (OUT)

Two CD Copies.